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Cancelled for the 5212.1 5-1-51

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DEPARTMENT OF THE NAVY
Office of the Secretary
Washington 25, D. C.

SECNAV 5212.1
ED:GND
23 December 1963

SECNAV INSTRUCTION 5212.1

From: Administrative Assistant to the Secretary of the Navy
To: All Ships and Stations

Subj: Procedure for disposal of Navy records

Ref: (a) OPNAVINST 05510.1, United States Navy Security Manual for Classified Matter, 6 Feb 1951

1. Purpose. This instruction restates and revises procedures to be followed in connection with the disposal of naval records.

2. Cancellation. This instruction cancels SECNAV letter of 8 August 1944 (NDB Cum Ed 1948, 44-905, p. 12), Subj: Instructions for reporting records for disposal.

3. Objective. This instruction provides basic information pertaining to procedures established pursuant to the Records Disposal Act of 1943, as amended (44 U.S.C. 366-380), and U. S. Navy Regulations, 1948, and in accordance with Regulations of the General Services Administration, Title 3, Federal Records, for removing records not actively needed in day-to-day operations, for the destruction of those no longer needed, and for assuring the preservation of those which are of archival value for administrative, legal, research, or historical purposes. It applies to all records, classified and unclassified, accumulated by naval and Marine Corps activities afloat and ashore, and implements relevant provisions of the Federal Records Act of 1950 (44 U.S.C., Supp. V, 391-401).

4. General Provisions

a. Official Records. Paragraphs 1250, 1519, and 1614 of U. S. Navy Regulations provide that no person shall destroy or remove from official custody any records or correspondence without proper authority. The Records Disposal Act of 1943, as amended, defines records to include "all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein."

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b. Illegal Destruction. Title 18, U.S.C., section 2071, provides penalties for the unlawful destruction or removal of Federal records.

c. Nonrecord Material. Unlike record material, nondocumentary material may be destroyed without regard to the procedures established herein. Nondocumentary or nonrecord material includes the following: Extra copies of papers preserved only for convenience of reference such as reading files and tickler (followup or suspense) copies of correspondence, processed or published circulars, instructions, Notices, and similar materials received from outside sources which are not required for documentary purposes (the originating office or activity is required to maintain the record copy of all exchanges); publications and duplicated materials received from other Government agencies, commercial firms, or private institutions (including catalogs, trade journals, and similar materials which are not part of a case upon which action has been or is to be taken); correspondence and other records of transitory value which, after action has been completed, have neither evidential nor informational value, including preliminary drafts, letters of transmittal, etc.; reproduction materials such as stencils, hectograph masters, and offset plates; and shorthand notes and stenotype tapes which have been transcribed.

4. Records Disposal. Records disposal schedules and records disposal lists are the authorizations provided for the disposal of records in accordance with the Records Disposal Act of 1943, as amended, and U. S. Navy Regulations.

a. Records Disposal Schedules. Most records of the Naval Establishment are now covered by authorized disposal schedules. These schedules provide for disposal by (1) scrapping or destruction of specified records after prescribed periods of time or events, or (2) transfer to naval records management centers. They are normally issued by the Chief of Naval Operations, the Commandant of the Marine Corps, and the chiefs of bureaus and offices, Navy Department, as records disposal instructions to their various divisions and to commands and activities under their respective cognizance, after approval by the Administrative Officer, Navy Department, the Archivist of the United States, and the Congress. Records sent to naval records management centers are held and serviced for the appropriate retention periods prescribed in the schedules. Information relating to current records disposal schedules may be obtained from the records officer of the Office of the Chief of Naval Operations, the Headquarters, U. S. Marine Corps; or a bureau or office, Navy Department, as appropriate; from the district records management officer of the cognizant naval district or river command; or from the Administrative Officer, Navy Department (Office Methods Division).

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b. Records Disposal Lists. These lists provide for disposal by scrapping or destruction of specific discontinued files covering subject matter for which no additional records of the same type will normally be created in the future. In view of the fact that almost all Naval commands and activities now have in effect records disposal schedules, as described in subparagraph a above, only limited application will be made of records disposal lists.

c. Mandatory Application. Section 505 of the Federal Records Act of 1950 provides that records authorized for destruction may not be retained longer than the time limits prescribed (records described in disposal lists should be destroyed upon receipt of authorization) unless authorized by the head of the Federal agency. In the event extenuating circumstances make it necessary to retain records for periods of time beyond the retention dates specified in a schedule, permission therefor shall be requested from the Administrative Officer, Navy Department, via the chain of command.

d. Emergency Disposal. Under certain conditions, records may be destroyed without regard to authorized records disposal schedules or lists. These conditions are limited to the following circumstances:

(1) Menaces to Human Health or Life or Property. Section 10 of the Records Disposal Act of 1943, as amended, provides that the Archivist of the United States may authorize the destruction of records whenever it is determined that they constitute a continuing menace to human health or life or to property. Whenever it is determined that records constitute such a menace, they shall be reported to the Administrative Officer, Navy Department, through official channels, specifying the nature of the records, their location and quantity, and the nature of the menace. The Administrative Officer, Navy Department, shall obtain the necessary approval from the Archivist of the United States for their immediate destruction if warranted. Authorization under this section is normally restricted to nitrocellulose base film.

(2) State of War or Threatened War. Section 11 of the Records Disposal Act of 1943, as amended, authorized the destruction of records outside the territorial limits of the continental United States whenever, during the existence of a state of war between the United States and any other nation, or when hostile action by a foreign power appears imminent, the head of the agency having custody of the records determines that their retention would be prejudicial to the interest of the United States or that they occupy space urgently needed for military purposes and are without sufficient value to warrant continued preservation. When such destruction is necessary and

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has been effected, a written report describing the character of the records and stating when and where the destruction was accomplished shall be submitted as soon as possible to the Administrative Officer, Navy Department, through official channels (Report Symbol EXOS 5112-1).

e. Procedures

(1) Methods of Disposal

(a) Records authorized for destruction by a disposal schedule shall be destroyed in the following manner:

1. Sale of Salvage. Unclassified records shall normally be sold as wastepaper; provided that, unless the records have been released to destroy their record content, the contract for sale shall prohibit their resale or use as records or documents.

2. Destruction by Burning or Maceration. Security classified records or other records which contain information, the disclosure of which might be prejudicial to the public interest, shall be destroyed in the manner provided for in reference (a).

(b) Records which are not required to be maintained in office areas--those not authorized for destruction, or those authorized but which have not reached the destruction age--and records designated for transfer to a naval records management center shall be transferred to the appropriate center.

(2) Authorization. In order to obtain authorization for the disposal of records not already covered by approved records disposal schedules or when a revision of an existing schedule is desired, a request therefor shall be submitted in triplicate via official channels to the Administrative Officer, Navy Department. This request should contain the following information:

(a) Organizational unit of the activity (division, section, branch) accumulating the records.

(b) Description of the records, giving form numbers and titles when appropriate, or specific descriptions for nonform records: "Contract case files of furniture for field offices," or "Tabulations on motor vehicles."

(c) Recommended time and method of disposal of recurring records, giving indication as to when and how disposal should be made:

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"Destroy when 2 years old." "Destroy when accounts are audited and settled by General Accounting Office." "Destroy when man's rate is changed or when man is separated from the service, whichever is earlier." "Destroy when microfilmed" (state whether records to be filmed are permanent or temporary; if temporary, state period necessary for their retention if they were not filmed). "Transfer to naval records management center when 3 years old; destroy 2 years later." "Transfer to naval records management center when 3 years old for indefinite retention."

(d) Inclusive dates of periods covered by nonrecurring records: "January 1942-June 1942."

(e) Justification for the destruction of records so designated which might appear from their descriptions to be of permanent administrative, legal, research, or historical value, such as indication of location of other copies which are to be retained, where similar information exists, or other justification.

In addition, a sample of each type or group of records listed, properly identified by appropriate item number on its face, should be attached.

6. Schedule Requirements. Regulations of the General Services Administration require that all major groups of records shall be covered by disposal schedules and that such schedules shall be reviewed annually to effect changes necessary to maintain their current status. The Office of the Chief of Naval Operations, the Headquarters, U. S. Marine Corps, and the bureaus and offices, Navy Department, are requested to insure that records under their cognizance are covered by current and approved disposal schedules.

7. Report Required. Report Symbol EXOS 5210-1 has been assigned to the reports of emergency destruction required by paragraph 5d(2) above.

JOHN H. DILLON